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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,689	01/21/2004	Frank Clark	CLARK1180	5264
25548	7590	09/12/2006	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP 4365 EXECUTIVE DRIVE, SUITE 1100 SAN DIEGO, CA 92121-2133			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,689

Applicant(s)

CLARK, FRANK

Examiner

Gunyoung T. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/10/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 07/10/2006 has been entered:
 - Claims 1, 12 and 19 have been amended;
 - Claims 4, 14 and 21 have been cancelled;
 - Claims 1-3, 5-13, 15-20 and 22-24 are still pending in this application, with claims 1, 12 and 19 being independent.

Drawings

2. The corrected or substituted drawings (Fig. 1, Fig. 4, Fig. 5 and Fig 6) were received on 07/10/2006, but the drawings are not approved. Applicant is directed to MPEP § 608.02 for guideline on proper drawings.
3. The drawings are still objected to under 37 CFR 1.83(b) because they are incomplete:
 - In Fig. 5, a lead line is presented without a reference characteristic;
 - In Fig. 1, Fig. 4, Fig. 5 and Fig. 6, different kinds of lead lines (with and without arrow head) are used;
 - In Fig. 4, features are still not clearly visible. The dark background is not acceptable.
4. In regard to Figs. 5-7 the section lines should be labeled to indicate where the section view can be found (i.e. "B-B" should be 6-6).
5. In regard to Figs. 1, 5 and 6, these hand drawn figures are not sharp and clear. They should be redone in the quality of the other figures, at least. Applicant is kindly reminded that these are the figures that will be printed with any patent that may issue from this application.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

8. Claims 1, 5-7, 19, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kokin et al. (US 2004/0258567).

9. Kokin et al. disclose an illuminating device for a showerhead (paragraph 28, lines 3-5) having:

- A rechargeable battery (279), and one or more light-emitting diode (LED) lights (287);

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- A fluid driven power supply (281) in electrical communication (paragraph 35, lines 8-12) with the rechargeable battery (279) and the LED lights (287), the fluid driven power supply (281) configured to (Fig. 12) receive incoming fluid and release outgoing fluid to a showerhead so as to charge the rechargeable battery (279) and light the LED lights (279);
- A fluid flow valve (paragraph 34, lines 3-5);
- Wherein one or more lights (paragraph 7, lines 11-18) from the LED lights (287) illuminate fluid and a hollow body (Fig. 8);
- Wherein the fluid driven power supply (281) is located (Fig. 12) between the fluid incoming and outgoing.

Claim Rejections - 35 USC § 103

10. Claims 2-3, 8-13, 15-18, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokin et al. (US 2004/0258567) in view of Bolson (US 4,564,889).

11. In regard to claims 2-3, 8-13, 15-18, 20 and 23, Kokin et al. disclose the invention substantially as claimed except that the fluid driven power supply is not a turbine and the showerhead is not formed from a translucent material. Bolson discloses a hydroelectric illumination showerhead (Fig. 1) having a turbine (col. 3, lines 33-39) as a power supply, wherein the turbine comprises an internal fluid path with a fluid inlet (13), a fluid outlet (29), a rotatable turbine wheel (22) positioned in the internal fluid path, a generator (23) and a turbine shaft (25) connecting the rotatable turbine (22) wheel and generator (23), and the showerhead comprises a translucent optical lens (32) (col. 4, lines 6-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the turbine and the optical lens of Bolson for the showerhead of Kokin et al., for the purpose of enhancing the visibility of the beam from

the LED lights by using an optical lens, while providing electric power to the LED lights using the flow of pressurized fluid.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
8/28/2006



RENEE LUEBKE
PRIMARY EXAMINER